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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 JOHN M. TOWNSEND,

10 Plaintiff,

11 v.

12 JAMES BACA, et al.,

13 Defendants.

3:06-CV-00269-LRH (VPC)

ORDER

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15 Before this Court is Report and Recommendation of U.S. Magistrate Valerie P. Cooke
16 (#47¹) entered on December 19, 2007, recommending granting in part and denying in part Defendants'
17 Motion to Dismiss (#38) filed on June 19, 2007. Plaintiff filed his Objections to Magistrate Judge's
18 Report and Recommendation (#48) on January 9, 2008, and Defendants filed their Opposition to
19 Plaintiff's Objection to Magistrate Judge's Report and Recommendation on January 25, 2006 (#49),
20 pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 3-2 of the Rules of Practice of the United States
21 District Court for the District of Nevada.

22 The Court has conducted its *de novo* review in this case, has fully considered the objections
23 of the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record
24 pursuant to 28 U.S.C. § 636 (b) (1) and Local Rule IB 3-2. The Court determines that the Magistrate
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26 ¹Refers to the court's docket number.

1 Judge's Report and Recommendation (Doc. #47) entered on December 19, 2007, should be adopted
2 and accepted.

3 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation
4 (#47) entered on December 19, 2007, is adopted and accepted, and Defendant's Motion to Dismiss
5 (#38) is GRANTED IN PART as to count III and defendants in their official capacities for money
6 damages, and DENIED IN PART as to counts I and II.

7 IT IS SO ORDERED.

8 DATED this 4th day of March, 2008.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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